
(2025) 10 OH CK 0031

Orissa HC

Case No: Criminal Revision Petition No. 579 Of 2025

Sibun Pradhan

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Protection Of Children From Sexual Offences Act, 2012 — Section 6
- Information Technology Act, 2000 — Section 67
- Bharatiya Nyaya Sanhita, 2023 — Section 64(2)(m), 351(2), 351(3), 351(5)
- Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 102

Hon'ble Judges: G. Satapathy, J

Bench: Single Bench

Advocate: S.K. Pattnaik, C. Mohanty, S.C. Atabudhi

Final Decision: Allowed

Judgement

G. Satapathy, J.

1. This criminal revision U/S. 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short "the Act") is directed against the impugned order dated 12.08.2025 passed by the learned 4th Additional Sessions Judge-cum-Children's Court, Bhubaneswar in Criminal Appeal No.67 of 2025 confirming the order dated 14.07.2025 passed by the learned Juvenile Justice Board, Khurda in JGR Case No. 11 of 2025 arising out of Tangi PS Case No.465 of 2025 refusing to grant bail to the revision-petitioner, who is child in conflict with law(CICL) for commission of offence punishable U/Ss.64(2)(m)/351(2)/3(5) of BNS r/w Section 6 of POCSO Act and Section 67 of IT Act, on the main allegation of committing rape and aggravated penetrative sexual assault upon the victim and getting her obscene photographs and video viral.

2. Heard, Mr. Sujit Kumar Pattnaik, learned counsel for the revision-petitioner, Mr. C. Mohanty, learned Addl. PP and Mr. Santosh Chandra Atabudhi, learned counsel appearing virtually for the informant and perused the record.

3. After having considering the rival submissions upon perusal of record, there appears allegation against the revision-petitioner for committing rape and aggravated penetrative sexual assault and getting the nude and obscene photographs and video of the victim viral along with the co-accused persons, but bail to CICL

is the rule and detention in observation home is an exception. The Social Investigation Report (SIR) as produced by the learned Addl. PP in this case reveals that the victim girl and CICAL are of the same village and they were in some kind of relation, but the offences have been allegedly committed by the CICAL out of excitement. It is also not disputed that the CICAL-revision petitioner is a first time offender and no previous bad conduct has been reported against the CICAL. Normally, the CICAL shall be admitted to bail, unless there are reasonable grounds for believing that the release of CICAL would bring him into association with any known criminal or expose him to moral, physical or psychological danger or his release would defeat the ends of justice. However, no such factor exists in this case. Further, the CICAL is in detention home since 14.07.2025 and in the meantime, charge-sheet has already been submitted. In such view of the matter and after having considered the rival submissions and on going through the materials placed on record, this Court considers that the petitioner-CICAL may be admitted to bail.

4. In the result, the Criminal Revision stands allowed and the impugned order passed by the learned 4th Additional Sessions Judge-Cum-Children's Court is hereby set aside, so also the order passed by the Board refusing bail to the CICAL. Consequently, the CICAL be admitted to bail on such terms and conditions as deems fit and proper by the forum in seisin over the matter including one condition that the father of the petitioner shall ensure that the petitioner-CICAL shall not visit to the house of the victim or contact the victim or her family members in any way.